



Brenda Sullivan, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, OCTOBER 18, 2011
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO. _____, 2011, RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7." (Nagakura Engineering Works Co., Inc.) Jim Clouse.

III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO. _____, 2011, RESOLUTION AUTHORIZING THE MAYOR AND THE CLERK-TREASURER TO EXECUTE STATEMENT OF BENEFIT FORMS IN CONJUNCTION WITH AN APPLICATION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1-7." (United Senior Residence, L.L.C. Inc.) Jim Clouse.
- B. Reading of a Resolution entitled "RESOLUTION NO. _____, 2011, RESOLUTION APPROVING A WAIVER OF NONCOMPLIANCE FOR AN INCOMPLETE SB-1 AND INCOMPLETE APPLICATION FOR PROPERTY TAX ABATEMENT PURSUANT TO INDIANA CODE 6-1.1-12.1-11.3 FOR MORAVEC REALTY, LLC." – Jim Clouse

- C. Reading of a Resolution entitled "RESOLUTION NO. _____, 2011, RESOLUTION AUTHORIZING A TRANSFER TO THE RAINY DAY FUND OF IDENTIFIED MONIES, PURSUANT TO INDIANA CODE 36-1-8-5.1." Brenda Sullivan
- D. Reading of a Resolution entitled "RESOLUTION NO. _____, 2011, RESOLUTION TO DECLARE FUNDS DORMANT AND AUTHORIZING THE TRANSFER OF THOSE FUNDS." (City Council Non-Reverting Fund) – City Council Member Martha Myers

IV. Other Business

- A. Standing Committee and Liaison Reports.
- B. Next regular meeting is scheduled for **Tuesday, November 1, 2011** at 6:00 o'clock P.M. in City Hall.
- C. Adjournment.

RESOLUTION NO. ____, 2011

**RESOLUTION AUTHORIZING THE MAYOR AND
THE CLERK-TREASURER TO EXECUTE STATEMENT
OF BENEFIT FORMS IN CONJUNCTION WITH
AN APPLICATION FOR TAX ABATEMENT IN
A PREVIOUSLY DESIGNATED ECONOMIC
REVITALIZATION AREA PURSUANT
TO INDIANA CODE 6-1.1-12.1-7**

WHEREAS, the Common Council of the City of Columbus, Indiana, has previously designated, through various prior resolutions, certain portions of the City of Columbus, Indiana, to be known as economic development target area as contemplated pursuant to **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, **INDIANA CODE 6-1.1-12.1-1, et seq.** provides that the Common Council of the City of Columbus, Indiana, approve the statement of benefits forms associated with the application in conjunction with personal and real property tax abatement areas previously designated as an economic revitalization area; and

WHEREAS, **United Senior Residence, L.L.C.** desires and seeks tax abatement associated with the redevelopment or rehabilitation of its real property as contemplated by **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, the Common Council of the City of Columbus, Indiana, finds that:

- a. The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature;
- b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
- e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for ten (10) years;
- f. The totality of benefits is sufficient to justify the deduction; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional jobs, that such real property tax abatement be granted; and

WHEREAS, **United Senior Residence, L.L.C.** has submitted for purposes of review by the Common Council of the City of Columbus, Indiana, a statement of benefits form, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, that:

1. The Common Council of the City of Columbus, Indiana, finds that:
 - a. The estimate of the value of the proposed redevelopment or rehabilitation is reasonable for projects of that nature; and
 - b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
 - c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed redevelopment or rehabilitation of its real property;
 - e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for ten (10) years;
 - f. The totality of benefits is sufficient to justify the deduction;
2. The Mayor of the City of Columbus, Indiana, and the Clerk-Treasurer of the City of Columbus, Indiana are hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the statement of benefit form attached hereto as Exhibit A for purposes of facilitating the real property tax abatement of the applicant herein.

Resolution No. ___, 2011
Page Three

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the
_____ day of October, 2011, by a vote of _____ ayes and _____ nays.

Presiding Officer of the
Common Council

ATTEST:

Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this _____ day
of October, 2011 at _____ o'clock _____ .M.

Clerk-Treasurer

Approved and signed by me this _____ day of October, 2011, at
_____ o'clock _____ .M.

Mayor of the City of
Columbus, Indiana

RESOLUTION NO. 2011

**RESOLUTION APPROVING A WAIVER OF NONCOMPLIANCE
FOR AN INCOMPLETE SB-1 AND INCOMPLETE
APPLICATION FOR PROPERTY TAX
ABATEMENT PURSUANT TO
INDIANA CODE 6-1.1-12.1-11.3
FOR MORAVEC REALTY, LLC**

WHEREAS, the Common Council of the City of Columbus, Indiana, has previously designated, through various prior Resolutions, certain portions of the City of Columbus, Indiana, to be known as economic development target area as contemplated pursuant to INDIANA CODE 6-1.1-12.1-7; and

WHEREAS, INDIANA CODE 6-1.1-12.1-1, et seq. provides that the Common Council of the City of Columbus, Indiana, approve the statement of benefits forms associated with the application in conjunction with personal and real property tax abatement areas previously designated as an economic revitalization area or economic development target area; and

WHEREAS, on the 6th day of August, 2007, Common Council of the City of Columbus, Indiana, approved through Resolution No. 29-2007, tax abatement for **Moravec Realty, LLC** associated with the redevelopment or rehabilitation of its real property and the purchase and installation of personal property as contemplated by INDIANA CODE 6-1.1-12.1-7, a copy of which is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, representatives of **Moravec Realty, LLC** have informed the City of Columbus, Indiana, that their SB-1 associated with Resolution No. 29-2007 was incomplete at the time and date of public hearing, and incomplete before the redevelopment of real property, and purchase and installation of personal property; and

WHEREAS, **Moravec Realty, LLC** was the titled landowner of real property with common address 329 Washington Street, Columbus, Indiana, and had become the titled landowner of real property with common address 327 Washington Street, Columbus, Indiana about the time of tax abatement hearing (Exhibit "B"); and

WHEREAS, the circumstances causing the incomplete SB-1 was an unusual occurrence created by timing of the transfer of real property with common address 327 Washington Street, Columbus, Indiana to be included in the SB-1.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, that:

1. The Common Council of the City of Columbus, Indiana, hereby waives all

Resolution No. _____, 2011

Page Two

clerical and technical errors and omissions that are waivable under State and local law including without limitation, errors and omissions described in I.C. 6-1.1-12.1-11.3

2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will permit Moravec Realty, LLC to receive any lost ERA deduction amount.

3. This Resolution shall be in full force and effect from and after its passage.

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the _____ day of October, 2011, by a vote of _____ ayes and _____ nays.

Presiding Officer of the
Common Council

ATTEST:

Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this _____ day of October, 2011 at _____ o'clock _____M.

Clerk-Treasurer

Approved and signed by me this _____ day of October, 2011, at _____ o'clock _____M.

Mayor of the City of
Columbus, Indiana

EXHIBIT A

RESOLUTION NO. 29, 2007

**RESOLUTION AUTHORIZING THE MAYOR AND
THE CLERK-TREASURER TO EXECUTE STATEMENT
OF BENEFIT FORMS IN CONJUNCTION WITH
AN APPLICATION FOR TAX ABATEMENT IN
A PREVIOUSLY DESIGNATED ECONOMIC
REVITALIZATION AREA PURSUANT
TO INDIANA CODE 6-1.1-12.1-7**

WHEREAS, the Common Council of the City of Columbus, Indiana, has previously designated, through various prior resolutions, certain portions of the City of Columbus, Indiana, to be known as economic development target area as contemplated pursuant to **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, **INDIANA CODE 6-1.1-12.1-1, et seq.** provides that the Common Council of the City of Columbus, Indiana, approve the statement of benefits forms associated with the application in conjunction with personal and real property tax abatement areas previously designated as an economic development target area; and

WHEREAS, Moravec Realty, LLC desires and seeks tax abatement associated with the redevelopment or rehabilitation of its real property and the purchase of personal property as contemplated by **INDIANA CODE 6-1.1-12.1-7**; and

WHEREAS, the Common Council of the City of Columbus, Indiana, finds that:

- a. The estimate of the value of the redevelopment or rehabilitation is reasonable for projects of that nature and the estimate of the cost of the new equipment is reasonable for equipment of that nature;
- b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of the new equipment and the redevelopment or rehabilitation of its real property;
- c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new equipment and the redevelopment or rehabilitation of its real property;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new equipment and the redevelopment or rehabilitation of its real property;
- e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for six (6) years, and the deduction allowed for new equipment shall be allowed for six (6) years;
- f. The totality of benefits is sufficient to justify the deduction; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional jobs, that such real and personal property tax abatement be granted; and

WHEREAS, Moravec Realty, LLC has submitted for purposes of review by the Common Council of the City of Columbus, Indiana, a statement of benefits form, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, that:

1. The Common Council of the City of Columbus, Indiana, finds that:
 - a. The estimate of the value of the proposed redevelopment or rehabilitation is reasonable for projects of that nature, and the estimate of the value of the proposed new equipment is reasonable for projects of that nature; and
 - b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of the new equipment and the redevelopment or rehabilitation of its real property;
 - c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed purchase and installation of new equipment and the redevelopment or rehabilitation of its real property;
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed purchase and installation of new equipment and the redevelopment or rehabilitation of its real property;
 - e. The deduction allowed for real property pursuant to **INDIANA CODE 6-1.1-12.1-4** shall be allowed for six (6) years, and the deduction allowed for new equipment shall be allowed for six (6) years;
 - f. The totality of benefits is sufficient to justify the deduction;
2. The Mayor of the City of Columbus, Indiana, and the Clerk-Treasurer of the City of Columbus, Indiana are hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the statement of benefit form attached hereto as Exhibit A for purposes of facilitating the real and personal property tax abatement of the applicant herein.

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this the 6th
day of August, 2007, by a vote of 6 ayes and 0 nays.



Presiding Officer of the
Common Council

ATTEST:



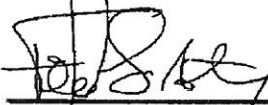
Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this 6th day
of August, 2007 at 7:40 o'clock P.M.



Clerk-Treasurer

Approved and signed by me this 6th day of August, 2007, at
7:40 o'clock P.M.



Mayor of the City of
Columbus, Indiana

RESOLUTION NO. _____, 2011

A RESOLUTION AUTHORIZING A TRANSFER TO THE RAINY DAY
FUND OF IDENTIFIED MONIES, PURSUANT TO IC 36-1-8-5.1

WHEREAS, the Common Council of the City of Columbus did establish a Rainy Day Fund, by passage and adoption of Ordinance No. 32, 2008 all pursuant to IC 36-1-8-5.1;

WHEREAS, Indiana Code 36-1-8-5.1 (b)(2)(B) further provides that an ordinance establishing a Rainy Day Fund must specify the sources of funding for the Rainy Day Fund, which may include any funding source specified in the adopting ordinance and not otherwise prohibited by law;

WHEREAS, Indiana Code 36-1-8-5.1 (d) provides that in any fiscal year, a political subdivision may transfer under (IC 36-1-8-5) not more than ten percent (10%) of the political subdivision's unused unencumbered funds from the total annual budget for that fiscal year, adopted under IC 6-1.1-17 to the Rainy Day Fund;

WHEREAS, the Common Council of the City of Columbus has identified an amount, appropriated in the General Fund to be transferred to the Rainy Day Fund in accordance with IC 36-1-8-5. This amount is \$310,767.00.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Columbus, Indiana that:

The amount being transferred, being \$310,767, does conform to the statutory limitation provided in IC 36-1-8-5.1 (d);

The Clerk-Treasurer be and is hereby directed to transfer the following identified amount of \$310,767 from the City of Columbus General Fund 101 to the Rainy Day Fund.

Transfer to Rainy Day Fund # 448	\$310,767
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Adopted by the City Council of the City of Columbus, Indiana, this _____ day of October, 2011 by a vote of _____ ayes and _____ nays.

Presiding Officer of City Council

Attest:

Clerk of the City Council

Presented by me to the Mayor of Columbus, Indiana this _____ day of October, 2011
at _____ o'clock P.M.

Clerk of the City Council

Approved and signed by me this _____ day of October, 2011 at _____ o'clock P.M.

Mayor of the City of Columbus

RESOLUTION NO. _____ 2011

**RESOLUTION TO DECLARE FUND DORMANT AND AUTHORIZING THE
TRANSFER OF THOSE FUNDS**

WHEREAS, pursuant to the powers granted to the City of Columbus, Indiana by virtue of Indiana Code 36-1-3-1 et.seq. "Home Rule", the City of Columbus, Indiana, has been accorded all the powers necessary for the effective operations of government as to local affairs;

WHEREAS, the Common Council for the City of Columbus approved Ordinance No. 97-64 which established a Common Council Attorney Fund known as the City Council Non-Reverting Fund – Fund No. 112 ;

WHEREAS, according to Ordinance No. 97-64 this Common Council Attorney Fund was funded by depositing all remaining appropriations of Common Council budget after the final claim date of each year and transferring those dollars into the Common Council Attorney Fund known as the City Council Non-Reverting Fund No. 112;

WHEREAS, according to Ordinance No.97-64 the monies deposited in the fund would revert back to the General Fund at the time the Common Council Attorney Fund ceases to exist;

WHEREAS, it is the desire of the Common Council to declare the Common Council Attorney Fund known as the City Council Non-Reverting Fund No. 112 as dormant and authorize the City Clerk Treasurer to transfer those funds in the amount of \$69,698.90 to the City of Columbus General Fund 101;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL of the City of Columbus, Indiana that:

Common Council Attorney Fund known as the City Council Non-Reverting Fund No. 112 is hereby declared dormant, and the Columbus City Clerk Treasurer shall be authorized to transfer the amount of \$ 69,698.90 from Fund 112 to the City of Columbus General Fund 101.

This resolution shall be in full force and effect from and after its passage.

Adopted by the Common Council of the City of Columbus, Indiana on the _____ day of _____, 2011 by a vote of _____ ayes and _____ nays.

Presiding Officer of the Common Council

ATTEST:

Clerk of the City of Columbus, Indiana

Presented by me to the Mayor of the City of Columbus, Indiana, on the ____ day of _____, 2011, at the hour of __:__ __.m.

Brenda J. Sullivan, Clerk-Treasurer

This Resolution approved and signed by me on the ____ day of _____, 2011.

Fred L. Armstrong, Mayor